IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 24122 of 2004

Between:

Kovvuru Subba Raju, s/o Rama Raju,
r/o Lakshmi Nagar, Sanivada Village, Sabbavaram Mandal, Visakhapatnam.

..... PETITIONER

AND

1 The Commissioner of Police, Visakhapatnam.
2 The Circle Inspector of police, Gajuwaka, Visakhapatnam.
3 The Sub-Inspector of Police, Gajuwaka, Visakhapatnam.
4 Nori Jagadamba, d/o D.Surya Pradasha Rao,
rep., by its GPA Holder D.Surya Prakasa Rao, s/o late D.Satyanarayana, aged 89 years,
Venkata Rajunagar, Visakhapatnam.
5 Duvvuri Satyanarayana, s/o D.Surya Pradasha Rao,
rep., by its GPA Holder D.Surya Prakasa Rao, s/o late D.Satyanarayana, aged 89 years,
Venkatarajunagar, Visakhapatnam.
6 Shonthi Sivaramakrishna Murthy, s/o Santi,
rep., by its GPA Holder D.Surya Prakasa Rao, s/o late D.Satyanarayana, aged 89 years,
Venkatarajunagar, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 and 3, in interfering with civil dispute as highly arbitrary, illegal and as violative of Art.21 and consequentially

direct the respondents 2 and 3, not to call the petitioner day in and day out and interfere with his life and liberty.

Counsel for the Petitioner: MR.T.M.K.CHAITANYA

Counsel for the Respondent Nos.1 to 3: GP FOR HOME; None for RR 4 to 6.

The Court at the admission stage made the following:

ORDER:

The petitioner states that there were some disputes between himself and respondents 4 to 6 in respect of an item of immovable property and that he filed O.S.No.387 of 1994 in the Court of Principal Junior Civil Judge, Anakapalle. The suit was decreed on 24.09.2001 and the decree is said to have become final. It is also represented that suits being O.S.Nos.502, 503 and 504 of 2004 on the file of the Junior Civil Judge, Gajuwaka, filed by respondents 4 to 6 are said to have been dismissed for default. The grievance of the petitioner is that even after his rights were upheld by the Civil Court, respondents 2 and 3 are interfering with his possession over the land, at the instance of respondents 4 to 6.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

When the petitioner apprehended interference with his rights by respondents 4 to 6, he filed a suit and obtained a decree. The similar attempts made by respondents 4 to 6 against the petitioner are said to have failed. The petitioner and respondents 4 to 6 have already worked out their remedies in civil Court and they are under obligation to abide by the same. There does not exist any justification or basis for respondents

2 and 3 to interfere with the civil disputes between the petitioner and others.

Hence, the writ petition is disposed of directing that respondents 2 and 3 shall not interfere in any manner with the civil disputes in relation to the property held by the petitioner. There shall be no order as to costs.

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29.12.2004

Note: Issue C.C. by tomorrow.

(B/o)

Jsu

To

1 The Commissioner of Police, Visakhapatnam.
2 The Circle Inspector of police, Gajuwaka, Visakhapatnam.
3 The Sub-Inspector of Police, Gajuwaka, Visakhapatnam.
4 2 CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

5 2 CD copies.